

1 Muriel B. Kaplan, Esq. (SBN 124607)  
2 Michele R. Stafford, Esq. (SBN 172509)  
3 SALTZMAN & JOHNSON LAW CORPORATION  
4 44 Montgomery Street, Suite 2110  
5 San Francisco, CA 94104  
(415) 882-7900  
(415) 882-9287 – Facsimile  
mkaplan@sjlawcorp.com  
mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

7

8

9

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12

13 BAY AREA PAINTERS AND TAPERS  
PENSION TRUST FUND, et al.

14

Plaintiffs,  
v.  
BARBARA JEAN BANKS, individually and  
dba B & C PAINTING AND DECORATING,  
Defendant.

15

16

17

18

19

Case No.: C10-0024 EMC

**PLAINTIFFS' CASE MANAGEMENT  
CONFERENCE STATEMENT and  
REQUEST TO CONTINUE CASE  
MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

Date: June 16, 2010

Time: 1:30 p.m.

Ctrm: C, 15<sup>th</sup> Floor

Judge: The Honorable Edward M. Chen

20

21

Plaintiffs herein respectfully submit their Case Management Statement, requesting that the  
Case Management Conference be continued for approximately 60 days.

22

23

24

25

26

27

28

1. As the Court's records will reflect, this action was filed on January 5, 2010. Service on Defendant was effectuated on January 12, 2010. A Proof of Service of Summons was filed with the Court on January 15, 2010. Defendant failed to Answer or otherwise appear in this action and, pursuant to Plaintiffs' request, the Clerk entered Default against Defendant on February 22, 2010.

///

-1-

**PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT and  
REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**  
Case No.: C10-0024 EMC

2. Following her bank's return of two of four checks submitted by Defendant on a  
2 defaulted payment schedule, Defendant represented to Plaintiffs that she would make payment of  
3 all amounts currently known to be due, by June 9, 2010, and has now agreed to obtain a joint  
4 check agreement for payment by July 15, 2010.

3. In addition, Plaintiffs' auditor recently completed an audit of Defendant's records,  
and the audit report was sent to Defendant for review. Defendant contested some of the findings  
and the parties are attempting resolution of those matters.

8       4. Accordingly, Plaintiffs respectfully request that the Case Management Conference,  
9 currently scheduled for June 16, 2010, be continued for 60 days to allow resolution of remaining  
10 amounts to be paid, as well as the audit. If resolved, Plaintiffs will dismiss this action; if not,  
11 Plaintiffs anticipate filing a Motion for Default Judgment within that time.

12        5. There are no issues that need to be addressed by the parties at the currently  
13 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's  
14 time and resources, Plaintiffs respectfully request that the Court continue to currently scheduled  
15 Case Management Conference.

16 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
17 entitled action, and that the foregoing is true of my own knowledge.

18 || Executed this 10th day of June, 2010, at San Francisco, California.

SALTZMAN & JOHNSON  
LAW CORPORATION

21 By: /S/Muriel B. Kaplan  
22 Muriel B. Kaplan  
Attorneys for Plaintiffs

## 23 | IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to  
8/25/10 at 1:30 p.m., and all previously set deadlines and  
dates related to this case are continued accordingly. A joint cmc statement shall be filed by 8/18/10.  
Plaintiffs shall serve a copy of this order upon defendant immediately.

Date: 6/11/10

**THE HONORABLE EDWARD M. CHEN**  
**UNITED STATES DISTRICT JUDGE**

**JUDGE -2-**

**PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT and**  
**REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**

**IT IS SO ORDERED**  
**MODIFIED**

**Judge Edward M. Chen**

## PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On June 11, 2010, I served the following document(s):

**PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT and  
REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

9 on the interested parties in said action, by First Class U.S. Mail, by placing a true and exact copy  
10 of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post  
11 Office box in San Francisco, California, addressed as follows:

**Barbara Jean Banks  
Individually and dba B & C Painting  
and Decorating  
4026 – 3rd Street #301  
San Francisco, California 94124**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 11th day of June, 2010, at San Francisco, California.

/S/